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09/654,469	09/01/2000	Shigenori Yamasaki	9281/3751	6062

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/654,469

Applicant(s)

YAMASAKI ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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*Claim Objections*

Claims 1, 11 and 21 are objected to because of the following informalities: incorrect spellings are codestored (line 19, page 41), codeand (line 20, page 37; line 9, page 41; line 22, page 44), settingmechanism (line 14, page 41), unitto (line 19, page 41).

Appropriate correction is required.

*Claim Rejections – 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1–6 are rejected under 35 U.S.C. 102(b) as being anticipated by Marino et al. (6,026,165).

Regarding claim 1, Marino teaches a communication apparatus, comprising: a portable transmitter (Figs. 1–2, col. 6, lines 21–42, transmitters 2a–b) including: at least one operating switch (Figs. 1–2, col. 6, lines 21–42, keys 3 and 5), a first storing unit containing an ID code registered therein (Figs. 1–2, col. 6, lines 21–42, keys 3 and 5), the ID code including a plurality of ID code section (Fig. 2, col. 7, lines 20–26, EEPROM 26), each ID code section corresponding to an operation of said at least one operating switch (Figs. 1–2, col. 7, lines 14–50, command to disarm or lock door via depression of keys 3 and 5 and stored EEPROM 26), a first control unit, and a transmitting unit to transmit an electromagnetic signal having the ID code (Fig. 2, to RF

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xmtr); and a receiver (Fig. 3, from RF receiver) including: a receiving unit to receive the electromagnetic signal having the ID code, a second storing unit (Fig. 3, EEPROM 42) containing a reference code stored therein, and a control signal generating unit (Fig. 3, decrypted data to control unit out of module 44); said receiver comparing said ID code within the electromagnetic signal with said reference code and supplying control signals from said control signal generating unit to a controlled device when said ID code and said reference code match (col. 8, lines 3-12, GO signal to the control when matching);

when said first control unit is set to the ID registration mode by said ID registering mode setting mechanism (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode) and said at least one operating switch is operated (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode), the ID code sections are supplied said first storing unit to register as said ID code (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode).

Regarding claim 2, Marino teaches a communication apparatus according to claim 1, wherein said at least one operating switch is operated multiple times before the ID code sections register as said ID code (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode).

Regarding claim 3, Marino teaches a communication apparatus according to claim 2, wherein the ID code sections are sequentially supplied to said first storing unit (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode wherein eeprom 26 stores ID code sequentially).

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Regarding claim 4, Marino teaches a communication apparatus according to claim 1, wherein said ID registration mode setting mechanism comprises said at least one operating switch and a mode control unit within said first control unit to set the ID registration mode from the operation of said at least one operating switch in a predetermined format (col. 8, lines 54-66, depressing three keys at once or predetermined format in order to trigger programming mode or registration mode wherein EEPROM 26 stores ID code sequentially).

Regarding claim 5, Marino teaches a communication apparatus according to claim 4, further comprising at least two operating switches, said ID registration mode setting mechanism further comprising operation of said at least two operating switches in a predetermined order (col. 2, lines 23-26, predetermined order associated with registration mode button before receiving ID; col.3, line 6-13, operation of call via specific master by transmitting specific ID).

Regarding claim 6, Marino teaches a communication apparatus according to claim 1, further comprising a clock generating unit to generate clock signals ( col. 7, lines 51-56, clock associated with a counter); and a counter ( col. 7, lines 51-56, clock associated with a counter) ~~to count the clock signals generated by~~ said clock generating unit; wherein said ID code sections (Fig. 2, sequence number generator 24) are formed by counter values of said counter.

*(C7, 254 seq. count)*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences

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between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-16 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino.

Regarding claim 11, Marino teaches a communication apparatus, comprising: a portable transmitter (Figs. 1-2, col. 6, lines 21-42, transmitters 2a-b) including: at least one operating switch (Figs. 1-2, col. 6, lines 21-42, keys 3 and 5), a first storing unit (Figs. 1-2, col. 6, lines 21-42, keys 3 and 5) containing an ID code registered therein, the ID code including a plurality of ID code sections, each ID code section corresponding to an operation of said at least one operating switch (Figs. 1-2, col. 7, lines 14-50, command to disarm or lock door via depression of keys 3 and 5 and stored EEPROM 26), a first control unit, an ID registering mode setting mechanism to set the first control unit to an ID registration mode (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode), and a transmitting unit (Fig. 2, to RF xmtr); to transmit an electromagnetic signal having the ID code (Fig. 2, to RF xmtr); and a receiver including: a receiving unit to receive the electromagnetic signal

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having the ID code (Fig. 3, from RF RCVR), a third storing unit (Fig. 3, EEPROM 42) containing a reference code stored therein, and a control signal generating unit; said receiver comparing said ID code within the received said electromagnetic signal with said reference code and supplying control signals from said control signal generating unit to a controlled device when said ID code and said reference code match (col. 8, lines 3-12, GO signal to the control when matching); when said first control unit is set to the ID registration mode by said ID registration mode setting mechanism and said at least one operating switch is operated (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode); and checking of transmission errors via CRC code (Fig. 3, data 28, device id 30 and seq. num 32 and CRC 34) for the purpose of error check via CRC, How-else CRC is utilized?). But Marino does not teach said ID code sections are stored in a second storing unit, and when all ID code sections comprising the ID code are stored in said second storing unit, said all ID code sections are joined and transferred to said first storing unit to register as said ID code.

However, one of ordinary skill in the art recognizes error check in the prior art of Marino is processed from the RAM or temporal storage or second storage. Furthermore, a second storing unit is same as RAM storing said ID code sections (Marino-Fig. 3, data 28, device id 30 and seq. num 32 and CRC 34), and said all ID code sections are joined and transferred to said first storing unit to register as said ID code in the table EEPROM 42 (Marino-Fig. 3) via addressing scheme for the purpose of memory back-up. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include said ID code sections are stored in a second storing unit, and when all ID code sections comprising the ID code are stored in said second storing unit, said all ID code sections are joined and transferred to said

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first storing unit to register as said ID code in the device of Marino because Marino suggest checking of transmission errors via CRC code and one ordinary skill in the art recognizes said ID code sections are stored in a second storing unit, and when all ID code sections comprising the ID code are stored in said second storing unit, said all ID code sections are joined and transferred to said first storing unit to register as said ID code for the purpose of memory back-up.

Regarding claim 12, Marino teaches a communication apparatus according to claim 11, wherein when said first control unit is set to the ID registration mode by said ID registration mode setting mechanism, said at least one operating switch is operated multiple times before the ID code sections register as said ID code (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode).

Regarding claim 13, Marino does not teach a communication apparatus according to claim 12, wherein the ID code sections are sequentially stored in said second storing unit.

However, one of ordinary skill in the art recognizes error check in the prior art of Marino is processed from the RAM or temporal storage or second storage. Furthermore, a second storing unit is same as RAM storing said ID code sections (Marino-Fig. 3, data 28, device id 30 and seq. num 32 and CRC 34), and said all ID code sections are sequentially stored in said second storing unit for the purpose of providing address sequence. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the ID code sections are sequentially stored in said second storing unit in the device of Marino because Marino suggest a first storing unit and one ordinary skill in the art recognizes the ID code



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sections are sequentially stored in said second storing unit for the purpose of providing address sequence.

Regarding claim 14, Marino teaches a communication apparatus according to claim 11, wherein said ID registration mode setting mechanism comprises said at least one operating switch and a mode control unit within said first control unit to set the ID registration mode from the operation of said at least one operating switch in a predetermined format ((col. 8, lines 54-66, depressing three keys at once or predetermined format in order to trigger programming mode or registration mode wherein EEPROM 26 stores ID code sequentially).

Regarding claim 15, Marino teaches a communication apparatus according to claim 14, further comprising at least two operating switches, said ID registration mode setting mechanism further comprising operation of said at least two operating switches in a predetermined order (col. 2, lines 23-26, predetermined order associated with registration mode button before receiving ID; col.3, line 6-13, operation of call via specific master by transmitting specific ID).

Regarding claim 16, Marino teaches a communication apparatus according to claim 11, said portable transmitter further comprising: a clock generating unit to generate clock signals ( col. 7, lines 51-56, clock associated with a counter); and a counter ( col. 7, lines 51-56, clock associated with a counter) to count the clock signals generated by said clock generating unit; wherein said ID code sections (Fig. 2, sequence number generator 24) are formed by counter values of said counter.

All subject matters in claim 21 are disclosed in claim 11, and therefore rejection of the subject matters expressed in claim 21 are met by references and associated arguments applied to rejection of claim 11.

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All subject matters in claims 22-26 are disclosed in claims 12-16, and therefore rejection of the subject matters expressed in claims 22-26 are met by references and associated arguments applied to rejection of claims 12-16.

Claims 9-10, 19-20 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino in view of Drori (6,028,505).

Regarding claims 9-10, 19, 29, Marino teaches a communication apparatus according to claims 1-2, 11, 21 said first control unit is set to the ID registration mode by said ID registering mode setting mechanism (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode) and said at least one operating switch is operated (col. 8, lines 54-66, depressing three keys at once in order to trigger programming mode). But Marino does not teach one operating switch is not operated within a predetermined time period, said first control unit reverts out of the ID registration mode.

However, Drori teaches, in the art of portable communication security system, one operating switch is not operated within a predetermined time period, said first control unit reverts out of the ID registration mode (col. 8, lines 17-20 and lines 42-63, registration mode associated with program mode is exited upon expiration of time period of transmitting channel two or four signal) for the purpose of providing normal transmitter operation. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include one operating switch is not operated within a predetermined time period, said first control unit reverts out of the ID registration mode for the purpose of providing normal transmitter operation in the device of Marino because Marino suggest said first control unit is set to the ID

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registration mode by said ID registering mode setting mechanism and Drori teaches one operating switch is not operated within a predetermined time period, said first control unit reverts out of the ID registration mode for the purpose of providing normal transmitter operation.

All subject matters in claims 20 and 30 are disclosed in claims 9, 12 and 21-22 and therefore rejection of the subject matters expressed in claims 20 and 30 are met by references and associated arguments applied to rejection of claims 9, 12 and 21-22.

Claims 7-8, 17-18 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marino in view of Tin (4,928,778).

Regarding claims 7 and 17, Marino teaches a communication apparatus according to claims 1 and 11, said portable transmitter comprising a transmitting unit to transmit an electromagnetic signal having the ID code (Fig. 2, to RF xmtr). But Marino does not teach a notifying mechanism (Fig. 1, display unit 220) to indicate a storage state of said ID code sections.

However, Tin teaches, in the art of portable communication security system, a notifying mechanism (Fig. 1, <sup>Fig. 5,</sup> display unit 220) to indicate a storage state of said ID code sections for the purpose of providing reception verification. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a notifying mechanism in the device of Marino because Marino suggest a transmitting unit to transmit an electromagnetic signal having the ID code and Tin teaches a notifying mechanism for the purpose of providing reception verification.

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Regarding claims 8 and 18, Tin teaches a communication apparatus according to claims 7 and 17, wherein said notifying mechanism is a light-emitting diode (Fig. 5, LED 27-30).

All subject matters in claim 27 are disclosed in claim 17, and therefore rejection of the subject matters expressed in claim 27 are met by references and associated arguments applied to rejection of claim 7.

All subject matters in claim 28 are disclosed in claim 18, and therefore rejection of the subject matters expressed in claim 28 are met by references and associated arguments applied to rejection of claim 18.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

March 19, 2004



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